

REMARKS

Applicants submit this Response in reply to the Office Action mailed on August 4, 2006. Claims 1, 4, 12, 15 and 23 have been amended. No new matter was added by these amendments.

A Petition for One Month Extension of Time is submitted herewith. Please charge Deposit Account No. 02-1818 for the Petition for One Month Extension of Time and any other fees which are due in association with this Response.

The Office Action rejected Claims 1, 3 to 9, 12, 14 to 20, 23, 25 to 28, 31 and 32 under 35 U.S.C. §102(b) as being anticipated by Barrie (U.S. 5,980,384). Applicants respectfully disagree with these rejections. However, Applicants have amended certain claims to clarify the existing claim elements and to place the claims in condition for allowance.

Barrie discloses a gaming device including a primary game and a secondary game. The primary game includes primary game symbols and primary game symbol positions. The secondary game includes secondary game symbols and secondary game symbol positions. Primary game symbols appearing during play of the primary game may also appear in secondary game symbol positions during play of the secondary game. (See Barrie, Abstract and Fig. 1). Barrie explains that:

[i]n accordance with a feature of the present invention, a secondary game is provided which is physically integrated with the primary game. In FIG. 1 the secondary game has game symbol display positions designated 126a-126l that are located on either side of each of primary game display positions 120a-120i, as shown. (Barrie, column 4, lines 43 to 48).

After each play of the primary game the game symbol appearing in each of the secondary game positions 126a,e,i,d,h,l along the far left and far right vertical edges of playing field 113 will automatically change to match the game symbols that appear in the adjacent one of primary game display positions 120a,b,c,g,h,i unless the symbol in one of these primary game display positions is the Flip-Flop symbol 132. . . . When the Flip-Flop symbol 132 appears in any of primary game positions 120a-i after each play of the primary game, the symbol appearing in horizontally adjacent ones of secondary game symbol display positions 126a-l will remain what they were before the spin, and will not change. (Barrie, column 4, lines 53 to 67).

When a player achieves four alike secondary game symbols . . . there is a win or wins for the secondary game. (Barrie, column 6, lines 17 to 20).

Amended independent Claim 1 is directed to a gaming device including a plurality of symbols at a plurality of symbol positions on the reels, said plurality of symbols including a plurality of first symbols, wherein at least two of the first symbols are different, and at least one replicator symbol, wherein the at least one replicator symbol includes at least two of the same symbols at a single symbol position on the reels wherein each of the same symbols of the at least one replicator symbol functions as an individual symbol.

Barrie discloses distinct primary game symbol positions and secondary game symbol positions. (See Barrie, column 4, lines 43 to 48). The Office Action stated at page 2, paragraph 3, that in Barrie, the “secondary game symbols appear in the same horizontally aligned reel position as the primary game symbols . . . and therefore appear in the same symbol position as the primary game symbols.” Barrie does not disclose multiple symbols in a single symbol position, Barrie discloses single symbols in adjacent symbol positions. Claim 1 includes a replicator symbol including at least two of the same symbols at a single symbol position.

Further, Barrie does not evaluate the primary game symbols and secondary game symbols together to determine if a winning symbol combination was generated. The Office Action stated, beginning on page 2, paragraph 4, that Barrie discloses “a primary game comprising a winning combination of primary symbols wherein said winning combination is associated with a first outcome to be provided to a player” and “a secondary game comprising an additional winning combination of symbols including at least one replicator symbol and at least one of the first symbols.”

Claim 1 includes a predetermined winning symbol combination including at least one of a plurality of first symbols, wherein the predetermined winning symbol combination occurs in a predetermined number of symbol positions and is associated with a first outcome adapted to be provided to a player and an additional winning symbol combination including at least one replicator symbol and at least one of the plurality of first symbols, wherein the additional winning symbol combination is also

associated with the first outcome and occurs in fewer symbol positions than said predetermined number of symbol positions. In Claim 1, the processor is programmed to provide the first outcome to the player if either of the predetermined winning symbol combination or the additional winning symbol combination is generated on the reels.

In Barrie, the primary game symbols and secondary game symbols are evaluated separately. If a winning combination of primary game symbols is generated in the primary game, the player receives an award. If a winning combination of secondary game symbols is generated in the secondary game, the player receives a different award. Barrie does not disclose an additional winning symbol combination including symbols from both primary game symbol positions and secondary game symbol positions.


Applicants also made clarifying amendments to independent Claims 12 and 23. In light of the above arguments and clarifying amendments, Applicants respectfully submit that Claims 1, 3 to 9, 12, 14 to 20, 23, 25 to 28, 31 and 32 are patentably distinguished over Barrie and in condition for allowance.

The Office Action rejected Claims 10, 11, 21, 22, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over Barrie further in view of Kaminkow (U.S. 6,905,406 B2). In light of at least the above arguments, Applicants respectfully submit that the combination of Barrie and Kaminkow does not render obvious dependent Claims 10, 11, 21, 22, 29 and 30, and accordingly, these Claims are in condition for allowance.

Applicants have made an earnest endeavor to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: December 4, 2006